

Article appeared
on page A-6

15 May 1979

Detention Practices Are Upheld by Supreme Court

EXCERPT:

BORDER SEARCHES

With Stevens and Justice Harry A. Blackmun dissenting, the court declined a plea by the Church of Scientology of California to review a decision in which the 9th U.S. Circuit Court of Appeals upheld a search by Customs agents of materials shipped by the church's affiliate in Britain.

Last night, a church spokesman said that under the decision, "anything arriving in the United States by air freight can now be opened and searched, and documents and papers read in their entirety by Customs agents without a search warrant. Even though no law is violated, Customs can read and detain any mail they wish."

An agent made the search of the church's materials under a law allowing Customs to bar importation of matter "advocating or urging treason..." The materials were detained for three days in July 1976 after the agent, scanning the materials, saw words such as "CIA," "Interpol," "decoding machine" and "sabotage." The documents then were released.

On the day of release, the church filed a suit charging that the law is unconstitutional.

The 9th Circuit ruling applies only in Arizona, California, Idaho, Montana, Nevada, Oregon, Washington state, Alaska, Hawaii and Guam.

The Supreme Court previously has upheld border searches of mail suspected to contain narcotics.